

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ **OCT 27 2015** ★

LONG ISLAND OFFICE

\_\_\_\_\_  
Luis P Taipe, et al.,

X

Plaintiffs,

:

:

-against-

:

12 CV 4479 (Azrack, D.J.)

MC&O Contracting, Inc. et al.,

:

Defendants.

\_\_\_\_\_  
X

~~[PROPOSED]~~ **FINAL JUDGMENT AND ORDER GRANTING  
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Having considered Plaintiffs' Motion for Final Approval and the Declaration of Brian S. Devery and exhibits thereto, the oral arguments presented at the October 9, 2015 Fairness Hearing, and the complete record in this matter, for the reasons set forth therein and stated on the record at the Fairness Hearing and for good cause shown,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED, THAT:**

1. This Order incorporates by reference the definitions in the parties' June 10, 2015 Settlement Agreement and Release (the "Settlement Agreement"), and all capitalized terms used in this Final Judgment shall have the same meanings as set forth in the Settlement Agreement, unless otherwise defined herein.

2. Subject to the modifications made herein, this Court approves the Settlement and all terms set forth in the Settlement Agreement and finds that the Settlement is, in all respects, fair, reasonable, adequate, and not a product of collusion.

3. The Court certifies the Fed. R. Civ. P. 23 Class (the "Class") for settlement purposes. For the purposes of settlement, the Court finds that the Class meets the requirements for class certification under Fed. R. Civ. P. 23(b)(3).

4. The Court certifies Plaintiffs' counsel as Class Counsel, and Fabian Maurad as the Class Representative as described in the Settlement Agreement.

5. The Total Settlement Amount of \$575,000.00, payable under the terms set forth in the Settlement Agreement, as modified herein, is approved.

6. The Court awards Class Counsel \$75,000.00 as attorneys' fees to be paid from the Settlement Fund<sup>1</sup>.

7. The Court approves the Bonuses of \$2,500 to \$3,500 (depending on the final participation rate) to each of the Named Plaintiffs as provided for in the Settlement Agreement.

8. The requirement in the Settlement Agreement and Proof of Claim form that Class Members file a photographic identification with their Proof of Claims is hereby voided; and that any deficiencies concerning a failure to file same are hereby waived.

9. The Claims Administrator shall mail a letter in the <sup>revised</sup> form attached hereto to each of the 172 non-Named Plaintiff persons who have submitted valid claim forms requesting that they notify other Class Members about the settlement and giving them until ~~November 20, 2015~~ to file a claim form. [30 days from mailing of these letters]

10. That Class Counsel shall telephone no less than 20 of the 172 non-Named Plaintiff persons who have submitted valid claim forms requesting that they notify other Class Members about the settlement and giving them until ~~November 20, 2015~~ to file a claim form. [30 days from mailing]

11. That claim forms filed after ~~November 20, 2015~~ shall be rejected as untimely. [30 days from mailing]

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<sup>1</sup> This amount does not include Administration Fees which are to be paid within 365 days of the Bar Date (which is September 21, 2015).

12. The entire Lawsuit is dismissed with prejudice and without costs to any party.

13. Without affecting the finality of this Judgment and Order, the Court reserves continuing and exclusive jurisdiction over parties to the Settlement Agreement to administer, supervise, construe, and enforce the Settlement Agreement in accordance with its terms for the mutual benefit of the parties.

14. The Parties having so agreed, good cause appearing, and there being no just reason for delay, it is expressly directed that this Final Judgment and Order be, and hereby is, entered as a final order and judgment.

15. After all settlement funds have been distributed, Class Counsel shall file a final report concerning the distribution.

Dated: 10/27/2015

Brooklyn, New York

Central Islip,

/s/ (JMA)

Hon. Joan M. Azrack  
United States District Judge

# EXHIBIT

Congratulations – you have successfully filed a claim form in this case. YOU DO NOT NEED TO DO ANYTHING FURTHER. Pursuant to the Settlement Agreement that has been finally approved by the Court you will be sent one check a year over the next four years.

The purpose of this letter is, ~~pursuant to the Court's Order~~, to request that you reach out to other class members who worked with you at MC&O and advise them that in order to qualify to join this lawsuit, if they haven't done so already, they must send in a Proof of Claim Form by one of three methods:

- [30 day from mailing]*
- 1) via mail postmarked by ~~November 20, 2015~~;
  - 2) by fax at 215-\_\_\_\_\_, or
  - 3) via email to \_\_\_\_\_@angeiongroup.com.

**All fax and emailed Proof of Claim forms must be received by the Claims Administrator, Angeion Group, no later than November 20, 2015.**

*[30 day from mailing]*

If someone has lost or misplaced the Notice and Proof of Claim Form they may obtain one by by emailing or calling the Claims Administrator as follows:

Email: \_\_\_\_\_@angeiongroup.com.  
Phone: \_\_\_\_\_

If you have further questions please contact Class Counsel, David Harrison, Esq. at (888) 239-4410.